

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-26, et al.,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, et al.,

Defendants.

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Civil Action No. 4:21-cv-01236-O

ORDER

Before the Court is Plaintiffs’ Emergency Motion for Order Requiring Compliance with Preliminary Injunction (ECF No. 169), filed at 6:58 p.m. on Friday, June 3, 2022. Defendants responded on Monday, June 6 (ECF No. 171), and Plaintiffs replied on Tuesday, June 7 (ECF No. 173).

In the Emergency Motion, Plaintiffs allege that “SEAL 1 and SEAL 10 have orders to travel this weekend to Alaska for planned Annual Training at Naval Special Warfare Cold Weather Detachment Kodiak.” Mot. 1, ECF No. 169. The SEALs’ command cancelled their travel authorization due to their unvaccinated status. *Id.* Plaintiffs seek emergency relief and ask the Court to “allow SEAL 1 and SEAL 10 to travel to the Naval Special Warfare Cold Weather Detachment Kodiak for Annual Training with SEAL Team 17.” Pls.’ Proposed Order, ECF No. 169-1.

The opportunity has passed for SEAL 1 and SEAL 10 to participate in this Alaska training, and the Court determines that the Emergency Motion is **MOOT**. SEAL 1’s departure would have been Saturday, June 4, 2022, and SEAL 10’s departure would have been Sunday, June 5, 2022. Mot. 1, ECF No. 169. Moreover, the parties provide evidence that both SEALs will have the

opportunity to fulfill their Annual Training requirement in a timely manner, avoiding the harms that Plaintiffs suggest (e.g. loss of retirement credits and promotional opportunities). SEAL 10 has been offered an alternative Annual Training opportunity near San Diego. Defs.' Resp. 4, ECF No. 171. And SEAL 1's commanding officer anticipates that he will be able to complete his Annual Training remotely. Pls.' Reply 3, ECF No. 173. But even if SEALs 1 and 10 believe these substitute trainings are inadequate, the relief they seek in the Emergency Motion cannot be afforded because the window has closed.

SO ORDERED on this **8th day of June, 2022.**


Reed O'Connor
UNITED STATES DISTRICT JUDGE